

**Introduced by Senator Hollingsworth**

February 22, 2007

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An act to add Section 459.7 to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 476, as introduced, Hollingsworth. Crime: burglary.

Existing law provides that any burglary of an inhabited dwelling house, floating home, or trailer coach, or the inhabited portion of any other building, as specified, is burglary of the first degree, punishable by imprisonment in the state prison for 2, 4, or 6 years; all other kinds of burglary are of the second degree, punishable by imprisonment in a county jail not exceeding one year or in the state prison.

This bill would provide that, notwithstanding these provisions, if the burglary is committed against a federally licensed firearms dealer, with the intent to commit grand theft of a firearm, the burglary is punishable by imprisonment in the state prison for 2, 4, or 6 years.

Because this bill would increase the prosecutorial duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 459.7 is added to the Penal Code, to read:

1     459.7. Any person who enters any place listed in Section 459  
2 belonging to a federally licensed firearms dealer, with the intent  
3 to commit grand theft of a firearm, is punishable by imprisonment  
4 in the state prison for two, four, or six years.

5     SEC. 2. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.